



CITY OF  
**PALO  
ALTO**

## City Council Staff Report

**From: City Manager**

**Report Type: ACTION ITEMS CONSENT CALENDAR**  
**Lead Department: Planning and Development Services**

**Meeting Date: May 22, 2023**

Report #:2304-1323

### **TITLE**

Amendment to Palo Alto Municipal Code Title 18 Chapter 18.42, Standards for Special Uses, to Codify Firearms Sales Limitations Ordinance; CEQA status—exempt under CEQA Guidelines section 15061(c)(3).

### **RECOMMENDATION**

Staff and the Planning and Transportation Commission (PTC) recommend Council adopt a new section 18.42.210 that would codify Ordinance 5559, the temporary, uncoded firearms ordinance Council adopted as an interim ordinance in June 2022 and extended in August 2022.

### **EXECUTIVE SUMMARY**

The attached ordinance (Attachment A) is to codify the requirements of Ordinance 5559 in Title 18 of the Palo Alto Municipal Code (PAMC), Chapter 18.42 (Standards for Special Uses).

In Palo Alto, a firearms dealership is considered a retail land use. Since Council adopted Ordinance 5559, this retail use has been required to obtain a Conditional Use Permit (CUP) throughout the City. The ordinance does not affect the longstanding requirement that firearms dealerships obtain a firearms permit from the Police Chief per PAMC Chapter 4.57. Regulations for the storage of firearms are set forth in PAMC 9.07.

The permanent ordinance continues the requirement for approval of a Conditional Use Permit (CUP) to establish a firearms dealership. This is part of the City's efforts to keep Palo Alto safe.

### **BACKGROUND**

On June 21, 2022, City Council adopted a temporary emergency ordinance requiring a conditional use permit to establish a firearms dealership in Palo Alto. Ordinance 5559 became effective for an initial period of 45 days and Council extended it to remain in effect for an additional period of 10 months and 15 days - until June 20, 2023. Staff brought the temporary ordinance forward in part due to an inquiry received at the public planning counter regarding permissible locations for a firearms dealership in the City. On March 8, 2023, the PTC recommended Council approval of

the attached ordinance (Attachment A). Links to the March 8 PTC verbatim and summary meeting minutes<sup>1</sup> and PTC staff report<sup>2</sup> are provided in footnotes below.

## **ANALYSIS**

Presently, a conditional use permit is required for firearms dealerships. The City has not received any CUP applications for firearms dealers since the passage of ordinance 5595. The proposed ordinance would require all new firearms dealers to obtain a CUP, even where retail is otherwise permitted. A CUP is a planning entitlement that would be handled via the standard staff review process. CUPs may be called up for review by the Planning and Transportation Commission in a public hearing, followed by consent calendar placement on a City Council agenda.

The attached ordinance adds a new section into PAMC Chapter 18.42. The new section would: (1) incorporate by reference the various definitions used in PAMC Chapter 4.57 (Firearms Dealers); and (2) codify the requirement for approval of a Conditional Use Permit pursuant to PAMC Section 18.76 (Permits and Approvals).

### Firearms Dealers Permits

A Conditional Use Permit (CUP) is distinct from a Firearms Dealer Permit, which is still required in Palo Alto to establish a firearms dealership in accordance with PAMC 4.57. Firearms permit issuance criteria restrict firearm dealerships within 250 feet of zoning district where housing is a principal use, or daycare centers, schools, massage establishments, and other land uses. Based on these parameters, a firearms dealership could be established in certain areas of the City in locations that are shown in Attachment B, including portions of the Stanford Research Park, which is not anticipated to be a likely location for firearms dealerships.

### Conditional Use Permit Findings and Process

In addition to the Firearms Permit issuance criteria, the standard findings for a CUP are required for approval of a firearms dealership. To grant a CUP, the director of planning and development services or the city council (when a CUP application has been heard by the PTC) must find that the grant would (1) “[n]ot be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience,” and (2) “[b]e located and conducted in a manner in accord with the Palo Alto Comprehensive Plan and the purposes of this title (Zoning).” A CUP may also impose reasonable conditions or restrictions as needed to protect the public interest, such as to protect public health, safety and general

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<sup>1</sup> March 8 PTC verbatim meeting minutes <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2023/ptc-3.8.2023-verbatim-minutes.pdf> and summary PTC minutes <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2023/ptc-3.8.2023-summary-minutes.pdf>

<sup>2</sup> PTC staff report link: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2023/ptc-3.08-firearms.pdf>

welfare. Note that PAMC 18.76.015 (Additional Findings for Specified Retail Uses) places additional restrictions on formula retail uses within the (R, Retail) combining zone district, which at present, only occurs in the California Avenue business district.

**FISCAL/RESOURCE IMPACT**

There are no significant fiscal or resource impacts associated with this action.

**ENVIRONMENTAL REVIEW**

Adoption of the attached ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(c)(3), because it can be seen with certainty that there is no possibility of a significant adverse impact on the environment.

**ATTACHMENTS**

Attachment A: Draft Ordinance Firearms CUP Recommended by PTC

Attachment B: Map of Firearms Business Siting

**APPROVED BY:**

Jonathan Lait, Planning and Development Services Director